

8433. Adulteration and misbranding of evaporated milk. U. S. * * * v. Enumclaw Milk & Cream Co., a Corporation. Plea of nolo contendere. Fine, \$90. (F. & D. No. 10118. I. S. Nos. 1049-p, 1055-p, 1680-p.)

At the November term of the District Court of the United States for the Western District of Washington, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Enumclaw Milk & Cream Co., a corporation, Enumclaw, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 20, 1917, from the State of Washington into the State of New York, and on November 6 and November 10, 1917, from the State of Washington to the republic of France, of quantities of an article, labeled in part "Blue Ribbon Brand Evaporated Milk, Weight of Contents 1-lb.," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed in each instance that it consisted of an insufficiently concentrated milk product and that the quantity of the contents of the cans averaged less than 1 pound.

Adulteration of the article in each shipment was alleged in the information for the reason that a partially evaporated milk had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for evaporated milk.

Misbranding of the article in each shipment was alleged for the reason that the statements "Evaporated Milk" and "Weight of Contents 1-lb.," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that said article was evaporated milk, and that each of said cans contained 1 pound of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said article was evaporated milk, and that each of said cans contained 1 pound of the article, whereas, in truth and in fact, said article was not evaporated milk, but was a partially evaporated milk, and each of said cans did not contain 1 pound of the article but contained a less amount, and for the further reason that it was a partially evaporated milk and was prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, evaporated milk. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 30, 1919, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$90.

E. D. BALL, *Acting Secretary of Agriculture.*

8434. Adulteration of shell eggs. U. S. * * * v. Victor J. Yanson. Plea of guilty. Fine, \$25. (F. & D. No. 10593. I. S. No. 5651-r.)

On September 12, 1919, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Victor J. Yanson, Newburg, N. Dak., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 3, 1918, from the State of North Dakota into the State of Minnesota, of a quantity of shell eggs which were adulterated.

Examination of 5 cases (180 eggs from each case) by the Bureau of Chemistry of this department showed a total of 138, or 15 per cent, inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 14, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of 25.

E. D. BALL, *Acting Secretary of Agriculture.*

8435. Misbranding of cottonseed cake. U. S. * * * v. Manuel G. Lewis, Frank J. Jones, and Joseph G. Lewis (Lewis-Simas-Jones Co.). Pleas of guilty. Fine, \$150. (F. & No. 10605. I. S. No. 19132-p.)

On July 12, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Manuel G. Lewis, Frank J. Jones, and Joseph G. Lewis, copartners, trading as the Lewis-Simas-Jones Co., San Francisco, Calif., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about December 20, 1917, from the State of California into the State of Nevada, of a quantity of an article, invoiced as cottonseed cake, which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 23, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 upon each defendant, or a total of \$150.

E. D. BALL, *Acting Secretary of Agriculture.*

8436. Adulteration of raisins. U. S. * * * v. 221 Cases and 264 Boxes of Ungraded Raisins. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 11070, 11074. I. S. Nos. 2043-r, 2044-r. S. Nos. W-464, W-465.)

On or about August 15, 1919, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 221 cases and 264 boxes of ungraded raisins, remaining in the original, unbroken packages at Seattle, Wash., alleging that the article had been shipped by E. Y. Foley, Fresno, Calif., on March 29 and July 2, 1919, respectively, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that sand had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that it consisted in whole or in part of a decomposed vegetable substance.

On November 17, 1919, the two cases having been consolidated, and Angelo Merlino, trading as the Metropolitan Grocery Co., Seattle, Wash., claimant, having admitted the allegations of the libels and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*